

____ BILL NO. ____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS RELATING TO FIRE PROTECTION IN A COUNTY OR UNINCORPORATED TOWN OR VILLAGE; EXPANDING GOVERNMENTAL IMMUNITY FROM LIABILITY; SUBSTITUTING A TAX LEVY FOR A FEE ON STRUCTURES AS A MEANS OF FINANCING A FIRE SERVICE AREA; AMENDING SECTIONS 7-33-2208 AND 7-33-2404, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-33-2208, MCA, is amended to read:

"7-33-2208. Fire control powers -- liability. (1) ~~Any A person, corporation, partnership, or association authorized by a county rural fire chief, district rural fire chief or deputy, or a rural fire district, a fire service area, or a fire company fire chief or deputy~~ may enter private property or direct the entry of fire control crews for the purpose of suppressing fires.

(2) ~~A chief or deputy and~~ person, corporation, partnership, or association authorized by the county, rural fire district, fire company, or fire service area are immune from suit for injury to persons or property resulting from actions taken to suppress fires under 10-3-209 or this section. An entity or individual listed in this section is also immune from suit for injury to persons or property resulting from a determination not to provide assistance requested pursuant to 10-3-209."

Section 2. Section 7-33-2404, MCA, is amended to read:

"7-33-2404. Financing of fire service area -- ~~fee on structures~~ tax levy authorized. (1) In the resolution creating the fire service area and by resolution as necessary after creation of the fire service area, the board of county commissioners shall ~~establish a schedule of rates to be charged owners of structures that are benefited by the services offered by,~~ subject to 15-10-420, levy a tax upon the taxable property within the fire service area at the time of the annual levy of taxes.

(2) ~~The rates must be applied on a fair and equal basis to all classes of structures benefited by the fire service area.~~

~~_____ (3) The board of county commissioners shall collect the funds necessary to operate the fire service area by charging the area rate as a special assessment on the owners of structures and shall collect the assessments with the general taxes of the county. The assessments are a lien on the assessed property.~~

~~(4)(2)~~ The board of county commissioners or the trustees, if the fire service area is governed by trustees under 7-33-2403, may pledge the income of the fire service area to secure financing necessary to procure equipment and buildings to house the equipment. The outstanding amount of the indebtedness may not exceed 1.1% of the total assessed value of taxable property, determined as provided in 15-8-111, within the area, as ascertained by the last assessment for state and county taxes prior to the incurring of the indebtedness."

NEW SECTION. **Section 3. Two-thirds vote required.** Because [section 1] limits governmental liability, Article II, section 18, of the Montana constitution requires a vote of two-thirds of the members of each house of the legislature for passage.

NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2003.

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